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6 *Attorneys for Defendants,*
7 *Kim Adamson, and Katherine Hegge*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 CARLOS RUIZ,

Case No. 3:17-cv-00643-RCJ-CSD

11 Plaintiff,

12 vs.

13 NEVADA DEPARTMENT OF
CORRECTIONS, et al.,

**MOTION FOR EXTENSION OF TIME
TO FILE THE JOINT PRETRIAL
ORDER
(First Request)**

14 Defendants.
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16 Defendants Kim Adamson, M.D. and Katherine Hegge, by and through counsel,
17 Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior
18 Deputy Attorney General, hereby move this Court for an order extending the deadline
19 for filing the Joint Pretrial Order. This is the first request the Defendants have made.
20 This Motion is made and based upon the attached Points and Authorities, the papers
21 and pleadings on file, herein, and such other and further information as this Court may
22 deem appropriate.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. RELEVANT FACTS AND PROCEDURAL HISTORY AND ARGUMENT**

25 This is a pro se prisoner civil rights action brought by inmate Plaintiff Carlos Ruiz,
26 concerning events that allegedly took place at the Lovelock Correctional Center (LCC),
27 asserting claims arising under 42 U.S.C. § 1983.

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1 Plaintiff alleges that the Defendants herein have failed to treat his back pain and
2 have refused to provide him with a back brace. Plaintiff claims that he has trouble
3 standing for long periods of time, and he suffers from fatigue, numbness, and pain.
4 Although Plaintiff raised several claims within his First Amended Complaint (ECF No.
5 5), the only claim to survive screening is Plaintiff's claim for deliberate indifference under
6 the Eighth Amendment. (ECF No. 6 at 7:4)

7 This Court issued an order, (ECF No. 145) which ordered the Joint Pretrial
8 Order to be filed by May 27, 2022. The parties are also involved in a second trial
9 matter, *Ruiz v. Nevada Department of Corrections*. Case Number 3:18-cv-00206-RCJ-
10 CSD. The Joint Pretrial Order in that matter is due Tuesday, May 31, 2022. (ECF No.
11 85). Unfortunately, the fact that both cases involved the same Plaintiff and the
12 proximity of the due dates caused some confusion with Counsel for the Defendants.
13 Counsel did not recognize that there were two joint pretrial orders due the end of May.
14 Therefore, the Joint Pretrial order in this matter was delayed.

15 As this Court is aware, Local Rule 16-3 requires:

16 Upon the initiative of a pro se plaintiff or plaintiff's attorney,
17 the attorneys or parties who will try the case and who are
18 authorized to make binding stipulations must personally
19 discuss settlement and prepare and file a proposed joint pretrial
order containing the following...

20 In spite of the requirement of the Local Rule, due to the fact that the Plaintiff, in
21 this case and others, is incarcerated, the Office of the Attorney General takes the
22 initiative to prepare and file the Joint Pretrial orders. In this case, the proposed order
23 has been prepared and provided to the Plaintiff at Southern Desert Correctional
24 Center. (SDCC). However, Mr. Ruiz may have changes, or additions (witnesses and
25 exhibits) to add to the proposed order. Therefore, the Defendants request additional
26 time to file the Joint Pretrial order.

27 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides
28 as follows:

1 When an act may or must be done within a specified time, the
2 court may, for good cause, extend the time: (A) with or without
3 motion or notice if the court acts, or if a request is made, before
4 the original time or its extension expires; or (B) on motion made
after the time has expired if the party failed to act because of
excusable neglect.

5 Defendants' request is timely and will not hinder or prejudice Plaintiff's case, as
6 the trial date is not imminent. The requested extension of time should permit the
7 Defendants to file a proper and complete Joint Pretrial order. Counsel has prepared
8 the order, and is awaiting Plaintiff's response and possible additions to the proposal.
9 Therefore, the Defendants request additional time to prepare the Joint Pretrial order.

10 **II. CONCLUSION**

11 Defendants assert that the requisite good cause and extenuating circumstance is
12 present to warrant the requested extension of time. Therefore, the Defendants requests
13 an extension, until **June 24, 2022**, to file the Joint Pretrial order.

14 DATED this 26th of May 2022.

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16 AARON D. FORD
17 Attorney General
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19 By: /s/ Douglas R. Rands
20 DOUGLAS R. RANDS, Bar No. 3572
Senior Deputy Attorney General

21 *Attorneys for Defendants*

22 IT IS SO ORDERED.
23

24 DATED: May 27, 2022.

25 
UNITED STATES MAGISTRATE JUDGE